

BEFORE THE
ILLINOIS COMMERCE COMMISSION

IN THE MATTER OF:)
)
ILLINOIS COMMERCE COMMISSION ON)
ITS OWN MOTION)
) No. 01-0662
Investigation concerning Illinois)
Bell Telephone Company's)
compliance with Section 271 of the)
Telecommunications Act of 1996.)

Chicago, Illinois
July 1, 2002

Met pursuant to notice at 9:30 a.m.

BEFORE :

MS. EVE MORAN, Administrative Law Judge.

APPEARANCES:

MS. LOUISE A. SUNDERLAND and
MR. MARK ORTLIEB
225 West Randolph Street, Suite 27-C
Chicago, Illinois 60606
Appearing for Ameritech;

MS. CHERYL L. HAMILL
222 West Adams, Suite 1500
Chicago, Illinois 60606
Appearing for AT&T Communications;

ROWLAND & MOORE, by
MR. THOMAS H. ROWLAND
77 West Wacker Drive, Suite 4600
Chicago, Illinois 60601
Appearing for XO Illinois and Cinco;

1 APPEARANCES: (Continued)

2 MR. CARMEN L. FOSCO, MR. MATTHEW L. HARVEY,
3 MR. DAVID L. NIXON and MR. SEAN R. BRADY
4 160 North LaSalle Street, Suite C-800
5 Chicago, Illinois 60601
6 Appearing for Staff;

7 MR. ALLAN GOLDENBERG
8 69 West Washington, Suite 700
9 Chicago, Illinois 60602
10 Appearing for Cook County State's
11 Attorney's Office;

12 SCHIFF, HARDEN & WAITE, by
13 MR. OWEN E. MacBRIDE,
14 6600 Sears Tower
15 Chicago, Illinois 60606
16 Appearing for McLeodUSA Telecommunications
17 Service, Inc., and TDS MetroCom, Inc.,

18 MR. JACK PACE
19 30 North LaSalle Street, Suite 900
20 Chicago, Illinois,
21 Appearing for City of Chicago;

22 DARRELL S. TOWNSLEY
23 205 North Michigan Avenue, Suite 3700
24 Chicago, Illinois 60601
25 Appearing for WorldCom;

26 MAYER BROWN ROWE & MAW, by
27 MR. DEMETRIOS G. METROPOULOS,
28 190 South LaSalle Street
29 Chicago, Illinois 60603
30 Appearing for Illinois Bell Telephone;

31 MS. SUSAN L. SATTER
32 100 West Randolph
33 Chicago, Illinois 60601
34 Appearing for The State of Illinois.

35 SULLIVAN REPORTING COMPANY, by
36 Kathleen E. Maloney, CSR

1	<div><u>I N D E X</u></div> <div><u>E X H I B I T S</u></div> <div><u>For Identification</u></div>		<u>In Evidence</u>
2	<u>Exhibit</u>		
3	MTSI/TDS Joint		
	1.0		1853
4	1.1		1853
	1.2		1853
5	1.3		1853
	1.4	1848	1853
6	MTSI		
	2.0		1855
7	2.1	1848	1855
	3.0		1855
8	3.1	1848	1855
	4.0		1856
9	4.1		1856
	4.2	1848	1856
10	Staff		
	2.0	1848	1871
11	4.0		1872
	5.0		1873
12	7.0		1879
	8.0		1879
13	8.01		1880
	9.0		1880
14	10.0		1875
	11.0	1848	1886
15	16.0		1879
	16.01		1879
16	17.0		1880
	17.02		1880
17	24.0		1875
	24.02	1848	1875
18	21.0		1872
	21.06	1848	1872
19	22.0		1873
	22.01	1848	1873
20	19.0		1871
	19.1	1848	1871
21	25.1	1848	1886
	25.0	1848	1886
22			

1	Exhibits (Continued)		
	Ameritech Illinois		
2	1.0		1923
	1.1		1923
3	14.0	1848	1860
	14.1	1848	1860
4	14.2	1848	1860
	7.0		1858
5	7.1		1858
	7.2		1858
6	7.3	1848	1858
	8.2	1848	
7	11.0		1862
	11.1		1862
8	13.2	1848	1923
	9.0	1848	
9	9.2		
	21.0		1866
10	21.1		1866
	19.0		1865
11	19.1		1865
	17.0		1863
12	17.1		1863
	18.0		1864
13	18.1	1848	1864
	20.0		1862
14	12		1924
	AT&T		
15	1.0		1891
	1.1		1891
16	1.2	1848	1891
	2.0		1893
17	2.1		1893
	2.2	1848	1893
18	3.0		1894
	3.1		1894
19	3.2	1848	1894
	4.0		1896
20	4.1		1899
	4.2		1899
21	6.0		1901
	6.1		1901
22	6.2	1901	1901

1	Exhibits (Continued)		
	XO		
2	1.0	1906	1906
	2.0	1906	1906
3	3.0	1905	1905
	1.2	1908	1908
4	2.2	1908	1908
	4.0	1908	1908
5	WorldCom		
	2.0		1911
6	2.1-C		1911
	2.2		1911
7	2.3-C		1911
	2.4-C		1911
8	3.0		1913
	3.1		1913
9	3.2		1913
	5.0		1915
10	5.1-C		1915
	5.2		1915
11	5.3		1915
	24A		1934
12	6.0		1916
	6.1		1916
13	6.2		1916
	RCN		
14	1.0	1927	1927
	1.1	1927	1927
15	1.2	1927	1927
	1.3	1927	1927
16	1.4	1927	1927
	3.2	1928	1928
17	3.0-A	1929	1929
	3.0-B	1929	1929
18	3.1	1929	1929
	3.2	1929	1929
19	2.0A	1931	1931
	2.0B	1931	1931
20	2.1	1931	1931
	2.2	1931	1931
21			
22			

1 (Whereupon, Ameritech Illinois
2 Exhibit Nos. 14.0, 14.2, 7.3, 9.0,
3 21.1, 19.1, 13.2, 17.1, 18.1, 8.2
4 Staff Exhibit Nos. 2.0, 24.02,
5 21.06, 22.01, 19.01,
6 25.1, 25.0, 11.0, MTSI/TDS
7 Joint 1.4, MTSI 2.1, 3.1, 4.2,
8 AT&T 1.2, 2.2 and 3.2 were marked
9 for identification as of this
10 date.)

11 JUDGE MORAN: Pursuant to the direction of the
12 Illinois Commerce Commission, I call Docket 01-0662.
13 This is the Illinois Commerce Commission on its own
14 motion, an investigation concerning Illinois Bell
15 Telephone Company's compliance with Section 271 of
16 the Telecommunications Act of 1996.

17 May I have the appearances for the record
18 please.

19 MS. SUNDERLAND: For Illinois Bell Telephone
20 Company, Louise A. Sunderland and Mark Ortlieb, 225
21 West Randolph Street, Chicago Illinois 60606.

22 MR. MacBRIDE: Appearing on behalf of McLeodUSA

1 Telecommunications Services, Inc., and TDS Metrocom,
2 Inc., Owen MacBride, 6600 Sears Tower, Chicago,
3 Illinois 60606.

4 MR. ROWLAND: Appearing on behalf of XO Illinois,
5 Inc., and CinCo Communications, Thomas Rowland of
6 the law firm of Rowland and Moore, 77 West Wacker,
7 Suite 4600, Chicago, Illinois, 60601.

8 MR. BRADY: On behalf of Illinois Commerce
9 Commission Staff Carmen Fosco, Sean Brady, David
10 Nixon and Matthew Harvey, 160 North LaSalle, Suite
11 C-800, Chicago, Illinois 60601.

12 MS. HAMILL: Appearing on behalf of AT&T
13 Communications of Illinois, Inc., Cheryl Hamill, 222
14 West Adams, Suite 1500, Chicago, Illinois 60606.

15 MR. TOWNSLEY: Appearing on behalf of WorldCom
16 Incorporated, 205 North Michigan Avenue, Chicago,
17 Illinois 60601.

18 MS. SATTER: Appearing on behalf of the People of
19 the State of Illinois, Susan L. Satter, 100 West
20 Randolph Street, Chicago, Illinois 60601.

21 MR. PACE: Jack Pace on behalf of the City of
22 Chicago, 30 North LaSalle Street, Suite 900, Chicago

1 Illinois.

2 MR. GOLDENBERG: For the Cook County State's
3 Attorney's Office, Allan Goldenberg, Assistant
4 State's Attorney, 69 West Washington, Suite 700
5 Chicago, Illinois 60602.

6 MR. METROPOULOS: Appearing for Illinois Bell
7 Telephone, Jim Metropoulos, Mayer Brown Rowe & Maw,
8 190 South LaSalle Street, Chicago, Illinois 60603.

9 JUDGE MORAN: That being all the appearances in
10 the room, are there any appearances by telephone?

11 Okay. The first matter that we have is
12 Staff has indicated that there were two stipulations
13 entered into by Staff and Ameritech during last
14 week's hearings and that there has been no formal
15 ruling that those stipulations are admitted.

16 To make the record clear, both
17 stipulations are admitted.

18 MR. BRADY: Thank you, your Honor.

19 Your Honor, Ameritech and Staff have also
20 entered into a Stipulation No. 3 that is entitled
21 The Stipulation Regarding Staff Witness Samuel S.
22 McClerren's Testimony on Provisioning Intervals for

1 Unbundled Loops and the High-Frequency Portion of
2 the Loop.

3 And both counsel have reviewed this and
4 have signed this document, and we are also moving
5 that this be admitted in the record as well.

6 JUDGE MORAN: Okay. Any objection? Hearing
7 none, Ameritech Illinois Staff Stipulation No. 3 is
8 admitted.

9 MR. MacBRIDE: Judge, is that how those are
10 identified for the record?

11 JUDGE MORAN: Pardon me?

12 MR. MacBRIDE: Are those identified as
13 stipulations, not as exhibits?

14 JUDGE MORAN: Right. I guess these are more in
15 the nature of stipulations than exhibits so...

16 MS. SATTER: Excuse me. Are there hard copies of
17 the stipulations, or are they being served by
18 e-mail?

19 MR. BRADY: I have copies.

20 JUDGE MORAN: Okay.

21 Are there any other matters the parties
22 wish to discuss before we start putting in the

1 testimonial exhibits?

2 Hearing none, who wishes to start?

3 These are witnesses that were made
4 available for cross-examination but all parties
5 waived cross-examination on. And so they are going
6 to be putting their testimony in by affidavit.

7 Q. Who wishes to start?

8 MR. MacBRIDE: I will start.

9 JUDGE MORAN: Mr. MacBride, that's fine.

10 MR. MacBRIDE: I have several exhibits to offer
11 by affidavit.

12 First of all, the -- on behalf of
13 McLeodUSA Telecommunications Services, Inc., and TDS
14 MetroCom, Mr. Rod Cox sponsored MTSI and TDS Joint
15 Exhibits 1.1 -- excuse me 1.0, 1.1, 1.2 and 1.3.
16 All of those exhibits were previously filed on
17 e-docket, and there are no corrections to them.

18 And this morning I have had the reporter
19 mark MTSI and TDS Joint Exhibit 1.4 which is
20 Mr. Cox's affidavit.

21 So we offer that, the affidavit and
22 Mr. Cox's previously filed exhibits into evidence.

1 JUDGE MORAN: Okay. All right. Are there any
2 objections to the admission of McLeod, slash, TDS --
3 is that what we are calling it?

4 MR. MacBRIDE: Yes.

5 JUDGE MORAN: Exhibits 1.0, 1.1, 1.2, 1.3 and 1.4
6 being the affidavit?

7 Hearing none, all those exhibits are
8 admitted.

9 (Whereupon, MTSI/TDS Joint
10 Exhibit Nos. 1.0, 1.1, 1.2, 1.3
11 and 1.4 admitted into evidence as
12 of this date.)

13 JUDGE MORAN: Mr. MacBride, can you tell me is
14 the affidavit on e-docket also, or is that hard
15 copy?

16 MR. MacBRIDE: The affidavit is hard copy. It
17 has not been filed on e-docket.

18 JUDGE MORAN: Okay. So Exhibits 1.0 through 1.3
19 are all on e-docket?

20 MR. MacBRIDE: Correct.

21 JUDGE MORAN: And the affidavit is hard copy?

22 MR. MacBRIDE: Correct.

1 JUDGE MORAN: Thank you.

2 MR. MacBRIDE: Next I have the testimony of three
3 witnesses on behalf of the McLeodUSA.

4 Shall I do those one by one?

5 JUDGE MORAN: Okay. These are all McLeodUSA.

6 Yes, please.

7 MR. MacBRIDE: First, McLeodUSA witness Joe
8 Heitland submitted direct testimony which was filed
9 on e-docket as MTSI Exhibit 2.0.

10 JUDGE MORAN: TSI? 2.0?

11 MR. MacBRIDE: Yes, and this morning I have had
12 the reporter mark Ms. Heitland's, H-e-i-t-l-a-n-d,
13 affidavit as McLeodUSA Exhibit 2.1 and the testimony
14 2.0 is attached to that affidavit, however, there's
15 no change in the testimony from what is on e-docket.

16 JUDGE MORAN: Okay.

17 MR. MacBRIDE: So we offer McLeodUSA Exhibits 2.0
18 and 2.1 in evidence.

19 JUDGE MORAN: Are there any objections to
20 admission?

21 Hearing none, MTSI Exhibit 2.0 and 2.1,
22 that being the affidavit, are admitted.

1 (Whereupon, MTSI
2 Exhibit Nos. 2.0 and 2.1 were
3 admitted into evidence as
4 of this date.)
5 MR. MacBRIDE: Next McLeodUSA witness Julia
6 Redmond-Carter submitted direct testimony Exhibit
7 3.0 which was previously filed on e-docket. This
8 morning I have had the reporter mark
9 Ms. Redmond-Carter's affidavit as McLeodUSA Exhibit
10 3.1, and again attached to the affidavit is a copy
11 of her prepared testimony, but there are no changes
12 to that testimony from what was filed on e-docket.
13 JUDGE MORAN: Okay.
14 MR. MacBRIDE: We offer McLeod Exhibit 3.0 and
15 3.1 in evidence.
16 JUDGE MORAN: Are there any objections?
17 Hearing none, MTSI Exhibit 3.0 and the
18 affidavit being 3.1 are admitted.
19 (Whereupon, MTSI
20 Exhibit Nos. 3.0 and 3.1 were
21 admitted into evidence as
22 of this date.)

1 MR. MacBRIDE: Finally, McLeodUSA witness Michele
2 Sprague submitted direct which was identified as
3 MTSI Exhibit 4.0 and surrebuttal testimony
4 identified as MTSI Exhibit 4.1, both of those pieces
5 of testimony were previously filled on e-docket.

6 This morning I have had the reporter mark
7 as McLeodUSA Exhibit 4.2 Ms. Sprague's affidavit,
8 and attached to the affidavit are copies of her
9 direct and surrebuttal testimony. Again there are
10 no changes to the direct and surrebuttal testimonies
11 from those that were originally filed on e-docket.

12 So we offer McLeodUSA Exhibit 4.0, 4.1
13 and 4.2 in evidence.

14 JUDGE MORAN: Okay. Are there any objections?

15 Hearing none, MTSI Exhibit 4.0, 4.1 and
16 the affidavit marked as 4.2 are admitted into
17 evidence.

18 MR. MacBRIDE: Thank you.

19 (Whereupon, MTSI
20 Exhibit Nos. 4.0, 4.1 and 4.2 were
21 admitted into evidence as
22 of this date.)

1 JUDGE MORAN: And does that complete your
2 presentation --

3 MR. MacBRIDE: Yes.

4 JUDGE MORAN: -- Mr. MacBride?

5 Thank you. That was very well done and
6 very clearly done. And if everybody can follow
7 Mr. MacBride's lead on this, it will make our
8 record-keeping tasks in check.

9 And Ameritech wishes to go next?

10 MS. SUNDERLAND: We might as well just go around.

11 JUDGE MORAN: You are looking at me so...

12 MS. SUNDERLAND: Cross-examination was waived for
13 Denise Kagan who submitted Ameritech Illinois
14 Exhibits 7.0, 7.1 and 7.2. Those were filed on
15 e-docket and have not been changed.

16 I also have an affidavit which has been
17 marked Ameritech Illinois Exhibit 7.3 and the court
18 reporter has marked those three copies. So I would
19 move the admission of 7.0, 7.1, 7.2, and 7.3.

20 JUDGE MORAN: Is there any objection?

21 Hearing none, Ameritech's Exhibits 7.0,
22 7.1 and 7.2 as they appear on e-docket are admitted,

1 and the hard copy affidavit AI Exhibit 7.3 is also
2 admitted.

3 (Whereupon, Ameritech
4 Exhibit Nos. 7.0, 7.1, 7.2 and 7.3
5 were admitted into evidence as
6 of this date.)

7 MS. SUNDERLAND: The second witness for whom
8 cross-examination was waived was Deborah Heritage.
9 She filed Ameritech Illinois Exhibits 14.0 and 14.1.
10 Those were filed on e-docket, however, with respect
11 to 14.0, the attachments were updated to comply with
12 the numbering requirement, and there was also, I
13 believe, a minor change in one of those attachments.

14 I have marked as Exhibit 14.2 an
15 affidavit from Ms. Heritage. I have also had marked
16 over there -- the three big documents is the
17 proprietary version of 14.0.

18 JUDGE MORAN: Okay.

19 MS. SUNDERLAND: So I would move for admission of
20 Ameritech Illinois Exhibits 14.0, 14.1 and 14.2.

21 14.0 and 14.1 the public versions as they
22 appear on e-docket and as updated, Ameritech

1 Illinois Exhibits 14.0 proprietary in the hard copy
2 form and Ameritech Illinois Exhibits 14.2 in hard
3 copy form which has been provided to the court
4 reporter.

5 JUDGE MORAN: Okay. Are there any objections to
6 the admission of these exhibits?

7 MR. McBRIDE: Can we go off the record for a
8 minute?

9 JUDGE MORAN: Sure.

10 (Discussion off the record.)

11 JUDGE MORAN: There is no objection to the
12 admission of 14.0, both the public and the
13 proprietary versions, no objection to 14.1, and no
14 objection to 14.2 which is the affidavit of the
15 witness.

16 We will return to this matter later just
17 to make sure that we are fully clarified on how
18 those schedules appear on e-docket.

19

20

21

22

1 (Whereupon, Ameritech
2 Exhibit Nos. 14.0, 14.1 and 14.2,
3 public and proprietary were
4 admitted into evidence as
5 of this date.)

6 MS. SUNDERLAND: And if you need us to resubmit
7 them in some way, we would be happy to do that.

8 JUDGE MORAN: Absolutely. We can discuss that at
9 the end. I don't want to take up time now for
10 people that might have to leave.

11 Okay. Proceed with your next witness.

12 MR. ORTLIEB: Thank you, your Honor.

13 With respect to Ameritech Illinois
14 witness Marcia Stanick whose direct testimony has
15 been marked as Ameritech Illinois Exhibit 11.0 and
16 whose affidavit has been marked -- this is just to
17 be clear on the record.

18 This was the affidavit that was
19 originally filed in November.

20 JUDGE MORAN: Right, the November affidavit.

21 MR. ORTLIEB: That affidavit is marked as
22 Ameritech Illinois 20.0 and Ms. Stanick has

1 submitted what I'm going to submit as an attestation
2 to exhibits in the affidavit. That has been marked
3 as 11.1. So Ameritech Illinois moves for the
4 admission of those three exhibits.

5 JUDGE MORAN: Are there any objections?

6 Hearing none, they will be admitted, that
7 is, AI Exhibit 11.0, the November affidavit which
8 has been marked.

9 MR. ORTLIEB: 20.0.

10 JUDGE MORAN: 20.0 and the attestation or the
11 affidavit for evidentiary purposes is 11.1?

12 MR. ORTLIEB: That is correct.

13 JUDGE MORAN: Might I ask you, Counsel, were
14 there any changes to the way 11.0 and 20.0 appear on
15 e-docket?

16 MR. ORTLIEB: Yes. I was going to clarify. One
17 change to the 20.0. It was refiled on e-docket
18 June 14th in order to include the marking -- in
19 order to mark it as Ameritech Illinois Exhibit 20.0,
20 but other than that, no changes.

21 JUDGE MORAN: So it's admitted as it appears on
22 e-docket for an AI filing on June 14, 2002?

1 MR. ORTLIEB: Yes, that's correct.

2 JUDGE MORAN: And the attestation, is that
3 e-docket or is that hard copies?

4 MR. ORTLIEB: That's hard copies.

5 JUDGE MORAN: Very good. Thank you.

6 (Whereupon, Ameritech's
7 Exhibit Nos. 11.0, 11.1 and 20.0
8 were admitted into evidence as
9 of this date.)

10 JUDGE MORAN: Any other witnesses?

11 MR. ORTLIEB: Just one moment, your Honor.

12 Let me next go to Ameritech witness
13 Foster whose testimony -- well, who has -- there's
14 two exhibits with respect to this witness.

15 There is the affidavit that was
16 originally filed on November 20th that has been
17 refiled on e-docket on June 14th and is now marked
18 as Ameritech Illinois Exhibit 17.0, and that is
19 accompanied by Mr. Foster's attestation which we've
20 submitted today in hard copy which is marked as
21 Ameritech Illinois Exhibit 17.1. So Ameritech moves
22 for admission of 17.0 and 17.1.

1 JUDGE MORAN: Okay. Are there any objections to
2 admission of Ameritech Illinois Exhibit 17.0, 17.1?

3 Hearing none, those exhibits are admitted
4 with the original affidavit submitted by Ameritech
5 in November being refiled on e-docket on June 14th,
6 2002, with the marking of AI Exhibits 17.0 and 17.1
7 being the attestation for present purposes.

8 (Whereupon, Ameritech
9 Exhibit Nos. 17.0 and 17.1 were
10 admitted into evidence as
11 of this date.)

12 MR. ORTLIEB: Thank you, your Honor.

13 Next we go to Ameritech Illinois
14 witness -- and this witness submitted two separate
15 affidavits on two separate numbering topics. I will
16 first deal with the affidavit on number
17 administration which currently appears on e-docket
18 as Ameritech Illinois 18.0 and that is a June 14,
19 2002 filing.

20 That is accompanied by Mr. Smith's
21 attestation which has been marked as Ameritech
22 Illinois 18.0, and I would move -- I am sorry --

1 18.1. And so I move for the admission of 18.0 and
2 18.1.

3 JUDGE MORAN: Okay. Any objection to admission?

4 Hearing none, the -- and I believe
5 Mr. Smith had this affidavit on file in November
6 originally.

7 MR. ORTLIEB: Yes, he did.

8 JUDGE MORAN: Okay. The affidavit that has now
9 been refiled and marked as AI Exhibit 18.0 and the
10 attestation for present purposes marked as AI
11 Exhibit 18.1 are admitted.

12 (Whereupon, Ameritech
13 Exhibit Nos. 18.0 and 18.1
14 admitted into evidence as
15 of this date.)

16 MR. ORTLIEB: Thank you, your Honor.

17 JUDGE MORAN: The attestation is on hard copy?

18 MR. ORTLIEB: It is hard copy, yes.

19 The next is Mr. Smith's affidavit that
20 deals with number portability. That -- his
21 affidavit is marked as Ameritech Illinois Exhibit
22 19.0 and this appears on e-docket. The revision was

1 filed June 14th, 2002. The only revision was to
2 include that exhibit number.

3 That is accompanied by a hard copy of
4 Mr. Smith's attestation which is labeled Ameritech
5 Illinois 19.1, and we move for the admission of
6 those two documents.

7 JUDGE MORAN: Any objection?

8 Hearing none, AI Exhibit 19.0, which is
9 the affidavit originally submitted in November and
10 refiled as an exhibit on June 14th, 2002, on
11 e-docket and the hard copy attestation for today,
12 Exhibit 19.1, are admitted.

13 (Whereupon, Ameritech
14 Exhibit Nos. 19.0 and 19.1 were
15 admitted into evidence as
16 of this date.)

17 MR. ORTLIEB: Thank you, your Honor.

18 Next is Ameritech Illinois witness
19 Valentine whose affidavit is marked Ameritech
20 Illinois Exhibit 21.0. That exhibit was originally
21 filed on e-docket in November of 2001, updated on
22 June 14th in order to include the exhibit number.

1 No other changes were made to that affidavit.

2 It is accompanied by Ameritech Illinois
3 Exhibit 21.1 which is Mr. Valentine's attestation,
4 and Ameritech Illinois moves for the admission of
5 those two documents.

6 JUDGE MORAN: Any objection?

7 Hearing none, AI Exhibit 21.0 which is
8 the affidavit refiled as an exhibit on June 14,
9 2002, and AI Exhibit 21.1, the attestation for
10 present purposes, are both admitted.

11 (Whereupon, Ameritech
12 Exhibit Nos. 21.0 and 21.1 were
13 admitted into evidence as
14 of this date.)

15 MR. ORTLIEB: If I could leave a place holder for
16 Mr. Habib, I need to check on one thing, if we could
17 deal with him later in the morning.

18 Next I would like to go to the Ameritech
19 Illinois witness Nations, and just for
20 clarification, his exhibits as direct, rebuttal and
21 surrebuttal were admitted at the time of his
22 testimony, and I just want to state for the record

1 that I am -- today I am tendering hard copies of
2 each of those three exhibits.

3 JUDGE MORAN: Okay. Hard copies of exhibits --
4 can you give me those?

5 MR. ORTLIEB: 9.0 was the direct. 9.1 was the
6 rebuttal. 9.2 was the surrebuttal.

7 Mr. Nations adopted the testimony of Jan
8 Rogers, and so that necessitated a change merely for
9 the purpose of changing the name and the
10 qualifications, but otherwise the testimony remained
11 the same.

12 JUDGE MORAN: Okay. And we admitted those?

13 MR. ORTLIEB: Yes.

14 JUDGE MORAN: Those exhibits last week?

15 MR. ORTLIEB: Yes, we did.

16 JUDGE MORAN: Am I correct?

17 MR. ORTLIEB: Yes.

18 JUDGE MORAN: So these are just the hard copies.

19 MR. ORTLIEB: And then finally with respect to
20 Ameritech Illinois witness Robin Nusy-Roosu
21 (phonetic), again we -- what we have brought today
22 is Exhibit 8.2, the confidential version .

1 JUDGE MORAN: You are providing us with Exhibit
2 8.2 the proprietary version?

3 MR. ORTLIEB: That's correct, your Honor.

4 JUDGE MORAN: In hard copy.

5 MR. ORTLIEB: In hard copy form.

6 JUDGE MORAN: Okay. And that testimony also came
7 in last week?

8 MR. ORTLIEB: Yes. She appeared live and was
9 cross-examined, and her testimony was admitted at
10 that time. But just so the record -- there was some
11 question, you may recall, whether the confidential
12 version had been posted on e-docket and whether
13 there was a proprietary shelf versus a public shelf,
14 and just to eliminate any question about this, I
15 wanted to bring the proprietary version hard copy
16 today, and we would move for the admission of that
17 document.

18 JUDGE MORAN: Okay. Well, it's already admitted.

19 MR. ORTLIEB: Thank you, your Honor.

20 And with the exception of Mr. Habib, that
21 does complete our witnesses.

22 JUDGE MORAN: Okay. And we'll get back to

1 Mr. Habib later.

2 Okay. Who wishes to proceed next?

3 Staff?

4 MR. NIXON: Staff.

5 JUDGE MORAN: That will work.

6 MR. NIXON: Thank you, your Honor. There were

7 several witnesses of Staff for whom cross was

8 waived, the first of which was Jonathan Feipel and

9 Jonathan is spelled J-o-n-a-t-h-a-n F-e-i-p-e-l.

10 Mr. Feipel had submitted Staff Exhibit

11 2.0 and 19.0. I would point out that ICC Staff

12 Exhibit 2.0 was revised on June 20th, 2002. That

13 was the revised direct testimony of Jonathan Feipel.

14 That was served on all the parties by e-mail on June

15 20th.

16 It's our understanding they continue that

17 there is no cross for plaintiff. The affidavit in

18 support of those documents has been marked as Staff

19 Exhibit 19.01. I would ask for the admission of

20 Exhibit 2.0, 19.0 and 19.01.

21 JUDGE MORAN: Okay. Might I ask you, Counsel, is

22 19.0 correct as it currently appears on e-docket?

1 MR. NIXON: On e-docket. That is correct.

2 JUDGE MORAN: Okay.

3 Are there any objections to admission of

4 ICC Staff Exhibit 2 -- is it 2.0?

5 MR. NIXON: 2.0.

6 JUDGE MORAN: Which was revised on June 20th and

7 appears on e-docket, 19.0, which appears on e-docket

8 in its original form and the affidavit 19.01?

9 MR. NIXON: That is correct.

10 JUDGE MORAN: Am I correct?

11 MR. NIXON: Just one correction. The revised

12 Exhibit 2.0 was not separately done, but we have

13 provided hard copies marked today, and I have extra

14 copies for the Judge.

15 JUDGE MORAN: Okay. So ICC Staff Exhibit 2.0 was

16 revised June 20th but not e-docketed?

17 MR. NIXON: Not e-docketed.

18 JUDGE MORAN: So that will be coming in by hard

19 copy?

20 MR. NIXON: Yes.

21 JUDGE MORAN: Okay. Hearing no objection, all of

22 these exhibits are admitted.

1 (Whereupon, ICC Staff
2 Exhibit Nos. 2.0, 19.0 and 19.1
3 were admitted into evidence as
4 of this date.)

5 MR. NIXON: Next we have an affidavit supporting
6 the testimony of Olusan Jo Omoniyi, O-l-u-s-a-n J-o
7 O-m-i-n-i-y-i.

8 Mr. Ominiyi, both his direct and rebuttal
9 testimonies were e-docketed, and there have been no
10 changes made to either.

11 The direct testimony was identified as
12 ICC Staff Exhibit 4.0 and also had attached schedule
13 4.1.

14 The rebuttal testimony as identified as
15 ICC Staff Exhibit 21.0 and had the attached
16 scheduled 21.01, 21.02, 21.03, 21.04 and 21.05. We
17 have marked that the supporting affidavit as Exhibit
18 21.06.

19 I would move for the admission of those
20 documents.

21 JUDGE MORAN: Okay. Are there any objections?

22 Hearing none, ICC Staff Exhibit 4.0 which

1 includes scheduling 4.1, ICC Staff Exhibit 21.0
2 which includes schedules 21.01 through 21.05 is
3 admitted together with the affidavit which Staff has
4 marked as ICC Staff Exhibit 21.06.

5 (Whereupon, ICC Staff
6 Exhibit Nos. 4.0, 21.0 and 21.06
7 were admitted into evidence as
8 of this date.)

9 MR. NIXON: Another witness for whom cross was
10 waived was Mark A. Hanson, and his testimonies have
11 been submitted by e-docket, and there have been no
12 revisions thereto.

13 His initial direct testimony has been
14 marked as ICC Staff Exhibit 5.0 and his rebuttal
15 testimony was identified as ICC Staff Exhibit 22.0.
16 There were no schedules or attachments otherwise.

17 The supporting affidavit has been marked
18 as Staff Exhibit 22.01, and I would ask for the
19 admission of those documents.

20 JUDGE MORAN: Are there any objections?

21 Hearing none, ICC Staff Exhibit 5.0, 22.0
22 and 22.01 being the affidavit are all admitted.

1 (Whereupon, ICC Staff
2 Exhibit Nos. 5.0, 22.0 and 22.01
3 admitted into evidence as
4 of this date.)
5 JUDGE MORAN: And, Counsel, Exhibit 5.0 and 22.0
6 are correct as they appear on e-docket?
7 MR. NIXON: Yes.
8 JUDGE MORAN: Okay. And the affidavit is by hard
9 copy?
10 MR. NIXON: Yes.
11 JUDGE MORAN: Thank you.
12 MR. NIXON: And last in this group we have the
13 testimony of Qin Lui, Q-i-n L-u-i, and I'm going to
14 try to get through this, but I may need support from
15 co-counsel here because there are both public and
16 proprietary versions of some of Ms. Lui's testimony.
17 Her -- all of her testimony and schedules
18 have been submitted by e-docket and no changes have
19 been made to any of it.
20 Her direct testimony was marked as Staff
21 Exhibit 10.0 and are both public and proprietary
22 versions of Staff Exhibit 10.0.

1 There is also an attached schedule,
2 10.01, and that has both public and proprietary
3 versions as well.

4 Her rebuttal testimony was identified in
5 Staff Exhibit 24.0.

6 JUDGE MORAN: What is that number?

7 MR. NIXON: 24.0.

8 JUDGE MORAN: Uh-huh.

9 MR. NIXON: That's -- there's no proprietary
10 version of that. That was just public.

11 However, there is an attached schedule
12 that was identified as 24.01, and there are both
13 public and proprietary versions of that schedule,
14 and her affidavit has been marked as Staff Exhibit
15 24.02.

16 JUDGE MORAN: And you are moving that into --

17 MR. NIXON: And we ask for admission of those
18 documents into the record.

19 JUDGE MORAN: Okay. There are no changes to
20 these exhibits as they are already on e-docket.

21 Are there any objections?

22 Okay. With that, ICC Staff Exhibit 10.0

1 which includes Schedule 10.01, also Staff Exhibit
2 10.0P, which is the proprietary version and includes
3 Schedule 10.01P are admitted as well as ICC Staff
4 Exhibit 24.0 which includes 24 -- a schedule
5 numbered 24.01 and a schedule marked as 24.01P which
6 is the proprietary version of that schedule are also
7 admitted as well as ICC Staff Exhibit 24.02 which is
8 a hard copy of Ms. Lui's affidavit.

9 (Whereupon, Staff Exhibit No.
10 10.0, 24.0, 24.02 was
11 admitted into evidence as
12 of this date.)

13 JUDGE MORAN: Okay.

14 MR. NIXON: Now, for the last day of the hearing
15 we had the witnesses Russell W. Murray, Asrick
16 Jasprin, J-a-s-p-r-i-n, and George Light, L-i-g-h-t,
17 had been scheduled for cross-examination. Since, as
18 we mentioned in -- I believe an off-the-record
19 discussion this morning to recount the events of
20 Friday afternoon, the last day of the hearing, we
21 had reached essentially agreement with Ameritech who
22 was the only party who expressed any desire to cross

1 any of those witnesses to make a representation from
2 counsel on behalf of all three witnesses and then
3 based on that representation, then we would then
4 waive cross-examination.

5 Mr. Murray's exhibits are ICC Staff
6 Exhibits 7.0 and ICC Staff Exhibit 16.0.

7 Mr. Jasprin's exhibit is ICC Staff
8 Exhibit 8.0 and Mr. Light submitted ICC Staff
9 Exhibit 9.0 and ICC Staff Exhibit 17.0, and as I
10 understand, Ameritech counsel's concern was that
11 from the time these testimonies were submitted to
12 record or for the -- consideration for the record,
13 other testimonies were later submitted or submitted
14 at another time which Staff had not had a chance to
15 address within the bounds of these testimonies.

16 And the representation we agreed to make
17 is -- on behalf of these three witnesses is that
18 they followed the record and they reviewed all the
19 testimonies that were relevant to their issues and
20 none of the testimonies that they reviewed had the
21 effect of changing the conclusions as they are set
22 forth in those exhibit numbers which I just listed.

1 JUDGE MORAN: Okay. So you are saying each of
2 those witnesses testified they would testify --

3 MR. NIXON: Yes. If asked whether or not there
4 were any changes or conclusions based on the
5 additional testimonies in the record, their answers
6 would be -- the conclusions would remain the same.

7 JUDGE MORAN: Okay. And they have stated this in
8 their affidavits?

9 MR. NIXON: We will -- I failed to consider the
10 ramifications of having that agreement and not
11 having the witnesses appear. So I do not have the
12 affidavit prepared, but we will have affidavits
13 prepared to support the admission of those five
14 pieces of testimony.

15 JUDGE MORAN: Okay. Then those affidavits will
16 be late-filed exhibits so you want to give them a
17 numbering now?

18 MR. NIXON: Certainly.

19 JUDGE MORAN: And to the extent the affidavits
20 are consistent with the representations made today,
21 they will be admitted.

22 MR. NIXON: Mr. Murray's would then be marked as

1 ICC Staff Exhibit 16.01, Mr. Jasprin's would be
2 marked as ICC Staff Exhibit 8.01, and Mr. Light's
3 would be marked as ICC Staff Exhibit 17.02, I
4 believe, because I believe he has an attached
5 schedule already. So it would be 17.02.

6 JUDGE MORAN: Okay. So he has an attached
7 Schedule 17.01 to his testimony?

8 MR. NIXON: Yes.

9 JUDGE MORAN: Well, we have to take these
10 witnesses one by one.

11 Mr. Murray Exhibit 7.0, 16.0 are the
12 testimonies the same as they are on e-docket?

13 MR. NIXON: That's correct. No changes have been
14 made since they were e-docketed.

15 JUDGE MORAN: Okay. And the only thing would be
16 the hard copy affidavit.

17 Are there any objections to the admission
18 of ICC 17.0, 16.0 or the affidavit 16.01 to the
19 extent that it reflects everything that has been
20 said today by counsel?

21 Hearing none, those exhibits will be
22 admitted.

1 (Whereupon, Staff
2 Exhibit Nos. 7.0, 16.0 and 16.01
3 were admitted into evidence as
4 of this date.)
5 JUDGE MORAN: Mr. Jasprin, that's ICC Staff
6 Exhibit 8.0.
7 MR. NIXON: 8.0.
8 JUDGE MORAN: Has that testimony been changed
9 from the way it appears on e-docket?
10 MR. NIXON: It is the same.
11 JUDGE MORAN: So the e-docket version can be
12 admitted.
13 (Whereupon, Staff
14 Exhibit No. 8.0 was
15 admitted into evidence as
16 of this date.)
17 JUDGE MORAN: And the affidavit being 8.01 as
18 reflected by counsel today, are there any objections
19 to the admission?
20 They are admitted.
21
22

1 (Whereupon, Staff
2 Exhibit No. 8.01 was
3 admitted into evidence as
4 of this date.)
5 JUDGE MORAN: Mr. Light ICC Staff Exhibit 9.0 and
6 Exhibit 17.0 which includes Schedule 17.01 are
7 those --
8 MR. NIXON: Those are e-docketed.
9 JUDGE MORAN: -- the same on e-docket?
10 MR. NIXON: That's correct. They are.
11 JUDGE MORAN: The only hard copy would be the
12 affidavit which Staff will be marking as 17.02 and
13 which will be a filed as the late-filed exhibit?
14 Any objections?
15 Hearing none it's admitted.
16 (Whereupon, Staff
17 Exhibit Nos. 9.0, 17.01 and 17.02
18 admitted into evidence as
19 of this date.)
20 JUDGE MORAN: Do we have anything else from
21 Staff.
22 MR. BRADY: Yes. Yes, we do. The next witness

1 to be admitted -- the next witness we would like to
2 introduce through affidavit is Nancy B. Weber,
3 W-e-b-e-r. Her direct testimony was filed via
4 e-docket as Exhibit 11.0. It was our public
5 version. We had a proprietary version as 11.09.
6 Attached to those documents, to those exhibits, were
7 schedules 11.01 through 11.08.

8 Of those schedules 11.03, 11.04 and 11.08
9 were originally identified as proprietary.

10 JUDGE MORAN: Okay.

11 MR. BRADY: Right around the time of the filing
12 we had -- we were waiting for clarification from
13 Ameritech and all of these proprietary documents
14 they said were not proprietary, and we had those --
15 that status removed so right now 11.0P and the
16 schedule 11.03 and 11.04 and 11.08 are available on
17 e-docket as formerly proprietary copies.

18 Ms. Weber also submitted, prepared,
19 rebuttal testimony, and that was identified as Staff
20 Exhibit 25.0, and then we have an affidavit
21 identified as Staff Exhibit 25.1.

22 Ms. Weber's testimony, Exhibits 25.0 and

1 11.0 address some of the remedy plan issues that
2 have been developed. And so subsequent to them
3 being prefiled on e-docket have been redacted to
4 remove those issues.

5 Hard copies have been brought today, are
6 available for the parties today and have been given
7 to the clerk as well.

8 So at this time we would move that Staff
9 exhibits -- before -- so there is no 11.0
10 proprietary anymore. There is just a public
11 version. So we are asking that 11.0 with schedules
12 11.01 through 11.08, Exhibit 25.0 and 25.1 be
13 admitted into the record.

14 JUDGE MORAN: Okay. So let me confirm that ICC
15 Staff Exhibit 11.0 which includes Schedules 11.01
16 through 11.08 and ICC Exhibit 25.0 that are being
17 tendered and offered into evidence only exist on
18 hard copies because of the redaction?

19 MR. BRADY: Yes. The schedules, 11.0.

20 JUDGE MORAN: And the schedules have now lost
21 their proprietary status, and they are public
22 versions.

1 MR. BRADY: And now only available on e-docket.

2 I haven't provided the hard copies of those today.

3 JUDGE MORAN: So in other words, you are saying
4 that 11.0 and 25.0 are the hard copies. Schedules
5 11.01 through 11.08 are to be admitted as they exist
6 on e-docket?

7 MR. BRADY: Yes, your Honor, specifically 11.03,
8 11.04 and 11.08. Those copies that are identified
9 on e-docket as formerly proprietary copies are to be
10 admitted because both the proprietary and public
11 versions are still identified -- are still posted on
12 e-docket.

13 JUDGE MORAN: Okay. So in other words you are
14 saying these schedules appear as proprietary and now
15 need to be made public?

16 MR. BRADY: No. They've already been made
17 public, but both the public and what was formerly
18 proprietary -- if you look on e-docket, there are
19 two documents out there for Staff's schedule 11.03.
20 If you click on the first one, it will just be a
21 cover page that says, "This is a proprietary
22 document."

1 If you click right below that, there is
2 another identifier. It says formerly proprietary
3 copy. If you click on that, that was the
4 proprietary version that has now -- has been made
5 public. So for all the parties' use, everybody
6 should be using or referring to that exhibit that's
7 as shown in e-docket as formerly proprietary copy.

8 JUDGE MORAN: Okay.

9 MR. BRADY: This exhibit was filed on -- those
10 exhibits were filed on March 21st.

11 JUDGE MORAN: Okay. Again as with Ameritech, we
12 are going to check into the way it's posted on
13 e-docket, make sure that everything is clear.

14 But are there any objections to the
15 admission?

16 MS. HAMILL: Your Honor, I don't have an
17 objection, but I have a clarifying question.

18 I just want to make it clear for the
19 record -- I know when we were here two weeks ago we
20 have not and do not intend to submit the testimony
21 of Karen Moor of AT&T who had talked about
22 performance, but two weeks ago when we were here, I

1 know Staff and Ameritech were trying to work out
2 some sort of an agreement as to what, if anything,
3 would be given on performance issues.

4 I'm assuming from what I have heard -- I
5 have not been told. I want to make it clear for
6 today that Ameritech is not putting -- Staff is
7 putting in the offered portions of Ms. Weber
8 pursuant to an agreement that Staff and Ameritech
9 reached.

10 Is this the result of that agreement?

11 MR. BRADY: Yes. The portion of Ms. Weber's
12 testimony that is coming in December with the line
13 provision -- the line loss notification.

14 MS. HAMILL: Okay.

15 MR. BRADY: Everything elsewhere she addressed,
16 essentially the remedy plan of performance measures,
17 has been redacted.

18 MS. HAMILL: We had no blame intended. We had
19 not been notified. I just wanted to clarify that
20 nothing was going in on performance remedy plan.

21 MR. BRADY: Yes. Ameritech counsel and myself
22 has been trying to work this out up until about

1 Friday anyways.

2 MS. HAMILL: I have no objection. I just wanted
3 to clarify and make sure that's how we got to this
4 point.

5 MR. BRADY: Yes, and I guess this also affects
6 two other Staff witness's testimonies which I will
7 be addressing.

8 MS. HAMILL: Thank you.

9 JUDGE MORAN: Okay. Well, hearing no objection,
10 11.0 which includes 11.01 to 11.08 as schedules and
11 ICC Staff Exhibit 25.0 together with the affidavit
12 which is Staff Exhibit 25.1 are admitted.

13 (Whereupon, Staff
14 Exhibit Nos. 11.0, 25.0 and 25.1
15 were admitted into evidence as
16 of this date.)

17 MR. BRADY: Thank you, your Honor.

18 MR. McBRIDE: Judge, is the redacted versions of
19 Ms. Weber's testimony going to appear on e-docket if
20 they are not there already?

21 JUDGE MORAN: Well, Staff is putting it in hard
22 copy.

1 What the clerk does -- Vickie, correct me
2 if I am wrong, is it scanned?

3 MR. McBRIDE: It will eventually be on e-docket ?

4 MR. BRADY: I do have copy here available for
5 you.

6 MR. McBRIDE: Thank you.

7 MR. BRADY: And just by way of housekeeping
8 matters, since Ms. Hamill had already addressed
9 remedy plan, Staff --

10 JUDGE MORAN: I'm sorry.

11 Mr. Brady, would you start over again?

12 MR. BRADY: Yes, absolutely. I was just going to
13 say that Ms. Hamill had addressed -- was concerned
14 about what was going to be redacted as relates to
15 remedy plan.

16 Staff witness Melody Patrick had prefiled
17 testimony on e-docket which were exhibits 12.0 and
18 26.0.

19 There may have been -- I can't remember
20 off the top of my head. There may have been some
21 schedules attached to that.

22 All of her testimony is not going to be

1 admitted since that directly addresses the remedy
2 plan.

3 JUDGE MORAN: So you are not putting anything in
4 for Ms. Patrick?

5 MR. BRADY: Right. I'm just stating this for
6 clarification for all the parties.

7 JUDGE MORAN: So none of that prefiled testimony
8 is going in?

9 MR. BRADY: Correct.

10 JUDGE MORAN: Okay.

11 MR. BRADY: And then also as a matter of
12 clarification, Staff witness Samuel S. McClerren,
13 M-c-c-l-e-r-r-e-n, filed or prepared two exhibits,
14 Staff Exhibit 13.0, Staff Exhibit 27.0.

15 JUDGE MORAN: Uh-huh.

16 MR. BRADY: 13.0 was his direct, and 27.0 was his
17 rebuttal testimony.

18 JUDGE MORAN: Okay.

19 MR. BRADY: Primarily Mr. McClerren addressed two
20 issues. One was the provisioning intervals for
21 unbundled loops and the high frequency portion of
22 the loop.

1 That has been essentially resolved
2 through the stipulation, Ameritech's and Staff
3 stipulation No. 3.

4 JUDGE MORAN: Okay.

5 MR. BRADY: The remainder of his testimony
6 addressed remedy plan and, therefore, does not need
7 to be admitted into the record.

8 Therefore, Staff Exhibits 13.0 and 27.0
9 which were prefiled are also not going to be filed
10 or -- will not be asked to be admitted into the
11 record.

12 JUDGE MORAN: Okay. That's fine.

13 MR. BRADY: And we do -- I have extra copies of
14 Staff stipulation -- Ameritech-Staff Stipulations 1,
15 2 and 3 for the parties today.

16 JUDGE MORAN: That's wonderful. That's a nice
17 touch, Mr. Brady.

18 MR. McBRIDE: Could Mr. Brady repeat the two
19 topics of Mr. McClerren's testimony?

20 MR. BRADY: Certainly. Primarily Mr. McClerren
21 had addressed issues related to performance remedies
22 and the performance measurement plan. We are not

1 filing any of that information since that's being
2 put into a different phase.

3 Mr. McClerren also addressed testimony on
4 provisions intervals for unbundled loops and HFPL
5 which would be checklist item No. 4.

6 Due to the order -- the Commission's
7 recent order in Docket 01-0614, Mr. McClerren has
8 changed his position, and Ameritech and Staff has
9 entered into a stipulation on Mr. McClerren's
10 position at this time, and that's what the
11 stipulation addresses.

12 And those are the two primary issues, the
13 intervals and remedy plan.

14 JUDGE MORAN: Are there anymore witnesses for
15 Staff?

16 MR. BRADY: No, not for Staff, your Honor.

17 JUDGE MORAN: Okay. Oh, good.

18 Now AT&T, Ms. Hamill.

19 MS. HAMILL: Thank you, your Honor.

20 Good morning. The first AT&T witness I
21 would like to put in by what we call verification.
22 We've had affidavits and attestations and now have

1 verification pages, is the direct testimony of
2 Steven E. Turner which is Exhibit 1.0 and his direct
3 testimony contains attachments SET-1 that was
4 prefilled on May 20th.

5 There are no changes to the narrative
6 portion of the direct testimony.

7 I have revised -- the revised schedule of
8 a RSET-1, revised not in substance but only to
9 reflect your Honor's preferred formatting, and
10 Mr. Turner submitted rebuttal testimony which was
11 marked as AT&T Exhibit 1.1, and I also have the
12 verification of AT&T witness Stephen E. Turner that
13 I have marked as AT&T Exhibit 1.2.

14 JUDGE MORAN: Okay. Are there any objections to
15 the admission of AT&T Exhibit 1.0 with the schedule
16 SET-1 AT&T Exhibit 1.1 for the verification which is
17 AT&T Exhibit 1.2?

18 Hearing none, they are admitted.

19 (Whereupon, AT&T
20 Exhibit Nos. 1.0, 1.1 and 1.2 were
21 admitted into evidence as
22 of this date.)

1 JUDGE MORAN: And the narrative, AT&T Exhibit
2 1.0, has not been changed, if I recall --

3 MS. HAMILL: It has not.

4 JUDGE MORAN: -- from e-docket? The only changes
5 are the revisions to the schedule which I think
6 clarifies the schedule. Okay.

7 MS. HAMILL: And, your Honor, the same for the
8 rebuttal testimony Exhibit 1.1. There are no
9 changes to the docket -- I am sorry -- the version
10 that was e-docketed on May 20th, 2002.

11 JUDGE MORAN: Wonderful.

12 MS. HAMILL: The next --

13 JUDGE MORAN: They are all admitted.

14 MS. HAMILL: Thank you.

15 The next witness is AT&T witness Joseph
16 Gillan, G-i-l-l-a-n.

17 Mr. Gillan filed direct testimony which
18 has been marked AT&T Exhibit 2.0 back in March, and
19 he submitted rebuttal testimony which is AT&T
20 Exhibit 2.1. That was filed back in -- on May 20th
21 of 2002.

22 There are no changes to either his direct

1 or his rebuttal testimony, and I have the
2 verification of AT&T witness Joseph Gillan that I
3 have marked as AT&T Exhibit 2.2, and I request that
4 they be admitted into the record.

5 JUDGE MORAN: Any objections?

6 Hearing none, AT&T Exhibit 2.0, 2.1 and
7 2.2 being the verification or affidavit of are
8 admitted.

9 (Whereupon, AT&T
10 Exhibit Nos. 2.0, 2.1 and 2.2 were
11 admitted into evidence as
12 of this date.)

13 MS. HAMILL: Thank you, your Honor.

14 The next witness is AT&T witness James F.
15 Hinson, H-i-n-s-o-n. Mr. Hinson submitted direct
16 testimony which has been marked as AT&T Exhibit 3.0.

17 There is no change to the narrative
18 portion of that testimony.

19 Mr. Hinson does have attachment JFH-01
20 that was appended to his direct testimony. I have
21 revised copies of this schedule, revised only to
22 reflect your Honor's preferred formulating.

1 Similarly Mr. Hinson submitted rebuttal
2 testimony on May 20th which has been marked AT&T
3 Exhibit 3.1. There are no changes to Mr. Hinson's
4 direct or rebuttal testimony.

5 I have marked his verification, the
6 verification of AT&T witness James F. Hinson, as
7 AT&T Exhibit 3.2, and I ask that AT&T Exhibit 3.0
8 with attachments JFH-01, AT&T 3.1 and AT&T 3.2 be
9 admitted, your Honor.

10 JUDGE MORAN: Any objection?

11 AT&T Exhibit 3.0 which has a revised
12 attachment JFH-01, AT&T Exhibit 3.1 and the
13 verification, AT&T Exhibit 3.2 are all admitted

14 (Whereupon, AT&T
15 Exhibit Nos. 3.0, 3.1 and 3.2 were
16 admitted into evidence as
17 of this date.)

18 JUDGE MORAN: Counsel, let me ask you, on the
19 changes to these attachments, have they been posted
20 on e-docket, or are you doing it all through hard
21 copy?

22 MS. HAMILL: Hard copy.

1 JUDGE MORAN: Okay. Thank you.

2 MS. HAMILL: The next witness is Mr. Mark
3 Van de Water, V-a-n, small d-e capital W-a-t-e-r.
4 Mr. Van de Water filed direct testimony which has
5 been marked AT&T Exhibit 4.0.

6 Your Honor, that testimony was filed back
7 in March.

8 We submitted a corrected version of
9 Exhibit 4.0 last week -- I don't have the exact
10 date -- via e-docket, a corrected version.

11 I filed the corrected version with
12 e-docket. The parties have received via e-mail the
13 corrected version clean copy and the corrected
14 version red lined so they don't have to read the
15 whole thing to figure out what changed.

16 Attached to the direct testimony of
17 Mr. Van de Water is Attachment MVW-01 that has been
18 submitted via e-docket as well.

19 JUDGE MORAN: What is that, M?

20 MS. HAMILL: MVW-01.

21 JUDGE MORAN: Thank you.

22 MS. HAMILL: Mr. Van de Water also submitted

1 confidential rebuttal testimony which has been
2 marked as AT&T Exhibit 4.1 that contains attachments
3 MVW-02C, MVW-03, MVW-04C. Those exhibits have also
4 been e-docketed, and there are no changes to Mr. Van
5 de Water's rebuttal testimony.

6 I have marked the verification of AT&T
7 witness Mark Van de Water as AT&T Exhibit 4.2 and
8 ask that Exhibit 4.0 with attachments MVW-01 and
9 Exhibit 4.1 with attachments MVW-02C, MVW-03 and
10 MVW-04C as well as the verification, AT&T Exhibit
11 4.2 be admitted.

12 JUDGE MORAN: Okay. AT&T Exhibit 4.0 -- are
13 there any objections to any of this?

14 Okay. No. Okay. AT&T Exhibit 4.0 which
15 is as it appears corrected on e-docket?

16 MS. HAMILL: Correct.

17 JUDGE MORAN: And includes Schedule MVW-01 is
18 admitted.

19 (Whereupon, AT&T
20 Exhibit No. 4.0 was
21 admitted into evidence as
22 of this date.)

1 JUDGE MORAN: AT&T Exhibit 4.1 -- is there a
2 proprietary and a public version?

3 MS. HAMILL: I believe it's just proprietary,
4 your Honor. I don't -- I don't know for sure.

5 JUDGE MORAN: Okay. I can't imagine there would
6 be a rebuttal testimony that's all proprietary. So
7 I'm a little concerned about that.

8 MS. HAMILL: It's not all proprietary. I think
9 it's just, you know, a sentence or a number here and
10 there.

11 I would be happy to prepare a public
12 version and have that added.

13 JUDGE MORAN: Okay. You need to prepare a public
14 version to -- from that redacted --

15 MS. HAMILL: I am not sure, as I sit here,
16 whether one has been prepared or filed, but if not,
17 I will make sure that that occurs, your Honor.

18 JUDGE MORAN: Okay. Is that amenable to
19 everybody, that Ms. Hamill will prepare a public
20 version redacting the confidential parts?

21 Now I have this MVW-O2C. Would that C
22 stand for confidential?

1 MS. HAMILL: Correct.

2 JUDGE MORAN: Okay. Then you'll have to verify,
3 I guess, with your witness if there is -- if the
4 whole exhibit is confidential or if he wishes to
5 include a public version of that.

6 MS. HAMILL: Yes, your Honor. I will just make
7 one filing where I will have a public version and a
8 redacted that is proprietary.

9 JUDGE MORAN: Okay. I think almost everybody in
10 this room has -- has signed the confidentiality
11 agreement so you have all got this stuff anyway.

12 MR. GOLDENBERG: I don't think I did.

13 JUDGE MORAN: Pardon me?

14 MR. GOLDENBERG: I don't think we all did.

15 MS. HAMILL: Signed the agreement he's talking
16 about.

17 JUDGE MORAN: Well, those people will just have
18 to wait for the public version.

19 MVW-03 and MVW-04C, confidential?

20 MS. HAMILL: Correct.

21 JUDGE MORAN: All of that Exhibit 4.1 with those
22 schedules will be admitted as well as the

1 verification which is AT&T Exhibit 4.2.

2 (Whereupon, AT&T
3 Exhibit Nos. 4.1 and 4.2
4 admitted into evidence as
5 of this date.)

6 MS. HAMILL: And I have one final witness, your
7 Honor. It's AT&T witness Danial Noorani,
8 D-a-n-i-a-l, Noorani, N-o-o-r-a-n-i.

9 Mr. Noorani filed direct testimony which
10 was marked as AT&T Exhibit 6.0, no schedules, no
11 confidential version, and the rebuttal testimony of
12 Daniel Noorani, AT&T Exhibit 6.1, no schedules, no
13 confidential information. Those testimonies were
14 e-docketed, and there have been no changes to
15 Mr. Noorani's direct or rebuttal.

16 I have the verification of AT&T witness
17 Danial Noorani which I have marked as AT&T Exhibit
18 6.2 and ask that AT&T Exhibit 6.0, 6.1 and 6.2 be
19 admitted.

20 JUDGE MORAN: Are there any objections?

21 Hearing none, AT&T Exhibit 6.0, 6.1 as
22 appears on e-docket are admitted and as is the

1 verification which is AT&T Exhibit 6.2 and which is
2 being supplied in hard copy.

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1 (Whereupon, AT&T
2 Exhibit No 6.2 was marked for
3 identification and 6.0, 6.1 and
4 6.2 were admitted into evidence as
5 of this date.)

6 MS. HAMILL: Just one more comment, your Honor.
7 When AT&T witness Ms. Fettig appeared -- she was the
8 last witness of the day on Friday -- at the hearing
9 we admitted her direct and rebuttal. We, mentioned
10 during the hearing that her rebuttal testimony, AT&T
11 Exhibit 5.1, was missing line numbers so we have
12 filed a corrected version last week of Ms. Fettig's
13 rebuttal to include line numbers on her pages. So I
14 would ask that 5.1 -- the parties use the 5.1 that
15 was filed corrected last week.

16 JUDGE MORAN: So you corrected it on e-docket?

17 MS. HAMILL: Correct.

18 JUDGE MORAN: Okay. Great. That's very nice.

19 MS. HAMILL: And that's all I have, your Honor.

20 JUDGE MORAN: Thank you, Ms. Hamill.

21 Who wishes to go next?

22 MR. ROWLAND: I will go next.

1 JUDGE MORAN: And who else do we have?

2 MR. ROWLAND: We have two witnesses for XO.

3 JUDGE MORAN: We have two witnesses XO and

4 WorldCom.

5 Anybody else in the room? Anybody else

6 in the room?

7 And then RCN has mailed in their

8 affidavits with their testimony. So I will just put

9 those in I guess.

10 MR. ORTLIEB: I have got Mr. Habib figured out.

11 JUDGE MORAN: You have what?

12 MR. ORTLIEB: I figured out how to put in

13 Mr. Habib.

14 MR. GOLDENBERG: Can we go off the record.

15 (Discussion off the record.)

16 MR. ROWLAND: Your Honor, XO has two witnesses

17 for which cross was waived by Ameritech and we would

18 like to introduce them by affidavit.

19 The first one is direct testimony of

20 Randall Baristo, that is Exhibit 1.0, and there are

21 no attachments.

22 In addition, the direct testimony of

1 Tara, T-a-r-a --

2 JUDGE MORAN: Okay. Let's do these one by one.

3 MR. ROWLAND: Okay.

4 JUDGE MORAN: You are seeking to admit XO Exhibit

5 1.0?

6 MR. ROWLAND: Correct.

7 JUDGE MORAN: There's no rebuttal.

8 MR. ROWLAND: No, there is. I am going to go

9 through those.

10 JUDGE MORAN: What is the rebuttal on

11 Mr. Baristo? What is it marked as?

12 MR. ROWLAND: Can we finish with the direct? Is

13 that possible? It's much easier that way.

14 JUDGE MORAN: Well, it's -- the thing is you want

15 to have all your witnesses lumped together, all the

16 testimonies of a particular witness lumped together.

17 MR. ROWLAND: Okay. That's fine. That's fine.

18 In addition to the direct testimony which

19 is Exhibit 1.0, no attachments, there is reply

20 testimony of Mr. Baristo which is 2.0. He does have

21 attachments to that exhibit. Those attachments are

22 A and B.

1 JUDGE MORAN: Uh-huh.

2 MR. ROWLAND: And A is one document. B is

3 actually three examples. So it's four documents.

4 These are all on e-docket.

5 JUDGE MORAN: Okay.

6 MR. ROWLAND: And rebuttal -- let me check one

7 second the proprietary nature.

8 Attachment A to 2.0 was filed by e-docket

9 both as a proprietary document and as a public

10 document.

11 JUDGE MORAN: Okay.

12 MR. ROWLAND: So already on e-docket there are

13 both shelves.

14 JUDGE MORAN: Okay.

15 MR. ROWLAND: So that is testimony, direct and

16 reply, for Mr. Baristo.

17 MR. ROWLAND: And XO would move for the admission

18 of 1.0 and 2.0, 2.0 including attachments A and B.

19 JUDGE MORAN: Okay. And you also have an

20 affidavit?

21 MR. ROWLAND: We have affidavits for both. I

22 thought I would have them in my hand as we spoke

1 today. I do not have them yet. They are coming by
2 FedEx.

3 JUDGE MORAN: What would you mark Mr. Baristo's
4 affidavit as?

5 MR. ROWLAND: Can I do it as attachment C or I
6 can do it as a number.

7 JUDGE MORAN: Do it as a number.

8 MR. ROWLAND: We'll do it as 3.0.

9 JUDGE MORAN: And that will be a late-filed
10 exhibit.

11 MR. ROWLAND: Late-filed exhibit, and can I do
12 that by e-docket?

13 JUDGE MORAN: Sure.

14 MR. ROWLAND: I will send copies to all the
15 people.

16 JUDGE MORAN: Okay. Are there any objections to
17 the admission of XO Exhibit 1.0, XO 2.0 which
18 includes Attachments A and B and XO Exhibit 2.0 the
19 attachments which are proprietary and also the
20 affidavit which is XO Exhibit 3.0?

21 Hearing no objections, all of these will
22 be admitted including the affidavit which is coming

1 in as a late-filed exhibit.

2 (Whereupon, XO
3 Exhibit Nos. 1.0, 2.0 and 3.0 were
4 marked for identification and
5 admitted into evidence as
6 of this date.)

7 MR. ROWLAND: Thank you.

8 JUDGE MORAN: It will be posted on e-docket.

9 MR. ROWLAND: All right. Then in addition XO has
10 reply testimony or -- excuse me -- has the direct
11 and reply testimony of Tara McCane.

12 JUDGE MORAN: Okay.

13 MR. ROWLAND: And the direct testimony of Tara
14 McCane is 1.2, and there are no attachments, and
15 then the reply testimony of Tara McCane is 2.2, and
16 there was one attachment again filed e-docket as a
17 proprietary document as well as a public document.

18 JUDGE MORAN: Does the attachment have a marking?

19 MR. ROWLAND: It does, and this is the one
20 wrinkle.

21 With respect to the Attachment 2.2, it
22 has a designator that essentially shows it as an

1 exhibit. So I am going to change that, and I will
2 send it around to the parties and refile it on
3 e-docket.

4 JUDGE MORAN: Okay.

5 MR. ROWLAND: I want -- on the e-docket right now
6 Tara McCane's attachment to 2.2 is listed as Exhibit
7 1, and that is incorrect. So we are going to
8 resubmit that revised attachment.

9 JUDGE MORAN: And you are going to mark it as
10 what attachment, 1?

11 MR. ROWLAND: Attachment 1 -- Revised Attachment
12 1, and I will send that around to parties as well as
13 put it on e-docket as Revised Attachment 1.

14 JUDGE MORAN: And the affidavit will be --

15 MR. ROWLAND: And again there are -- that
16 attachment 1 has a proprietary as well as the public
17 version.

18 JUDGE MORAN: Okay.

19 MR. ROWLAND: And then the affidavit for
20 Ms. McCane is Attachment 4.0.

21 JUDGE MORAN: Okay.

22 MR. ROWLAND: And XO would move for the admission

1 of Exhibits --

2 JUDGE MORAN: Any objection to the admission of
3 XO Exhibit 1.2, XO Exhibit 2.2 which will have an
4 Attachment 1 in both public version and proprietary
5 version, and also the affidavit of Ms. McCane which
6 is marked as XO Exhibit 4.0?

7 Hearing no objection all these will be
8 admitted.

9 (Whereupon, XO
10 Exhibit No. 1.2, 2.2 and 4.0 were
11 marked for identification and
12 admitted into evidence as
13 of this date.)

14 JUDGE MORAN: Is that it?

15 MR. ROWLAND: That's it.

16 JUDGE MORAN: And who's next?

17 MR. TOWNSLEY: The last one, your Honor.

18 JUDGE MORAN: We save the best for the last.

19 MR. TOWNSLEY: Why, thank you, your Honor.

20 Your Honor, WorldCom had -- has testimony
21 of four individuals for which -- for whom
22 cross-examination was waived by all the parties, and

1 we will be entering those testimonies via affidavit
2 today.

3 The first individual that I will be
4 referring to is A. Earl Hurder. He's submitted
5 testimony in this proceeding -- direct testimony in
6 this proceeding which I have marked as WorldCom
7 Exhibit 2.0. That -- there is a public version and
8 a proprietary version of Mr. Hurder's direct
9 testimony.

10 The public version is -- that is marked
11 as WorldCom Exhibit 2.0 and that includes four
12 public schedules which are marked Schedule EH1
13 through EH4.

14 The proprietary version of Mr. Hurder's
15 testimony I have marked as WorldCom Exhibit 2.1-C
16 for confidential, and that version of Mr. Hurder's
17 testimony contains a single confidential schedule
18 that is marked as EH-1.

19 So WorldCom would move at this time for
20 the admission of WorldCom Exhibits 2.0 and 2.1-C.

21 JUDGE MORAN: Okay. Are there any objections?

22 Hearing none, WorldCom Exhibit --

1 MR. TOWNSLEY: I'm sorry, your Honor. There is
2 one final exhibit which is Mr. Hurder's affidavit
3 which I have -- hang on. One second. Here.

4 I also have the rebuttal testimony of
5 Mr. Hurder -- I apologize -- which I have marked as
6 WorldCom Exhibit 2.2. There is a public and a
7 proprietary version of Mr. Hurder's rebuttal
8 testimony.

9 The proprietary version I have marked as
10 WorldCom Exhibit 2.3-C for confidential, and I have
11 marked as WorldCom Exhibit 2.4 the affidavit of A.
12 Earl Hurder, and I would move at this time for the
13 admission of WorldCom Exhibits 2.0, 2.1-C, 2.2,
14 2.3-C and 2.4.

15 JUDGE MORAN: Are there any objections?

16 Hearing none, WorldCom Exhibit 2.0,
17 public version, 2.1-C, the proprietary confidential
18 version, 2.2 and 2.3-C, the confidential proprietary
19 version of the rebuttal testimony are all admitted
20 as well as WorldCom Exhibit 2.4 which is the
21 affidavit of the witness.

22

1 (Whereupon, WorldCom
2 Exhibit Nos. 2.0, 2.1-C, 2.2,
3 2.3-C and 2.4 were
4 admitted into evidence as
5 of this date.)

6 JUDGE MORAN: And let me ask you, Mr. Townsly,
7 are all these exhibits currently correct as they
8 appear on e-docket?

9 MR. TOWNSLEY: They do not appear on e-docket. I
10 am providing via hard copy today. We had e-mail
11 copies of the testimony to the parties when they
12 were prefiled so the hard copies that are going
13 in --

14 JUDGE MORAN: So all of this --

15 MR. TOWNSLEY: There were no corrections to
16 Mr. Hurder's testimony so that the testimony that I
17 am submitting in the record today is the testimony
18 that ultimately will appear on e-docket once it's
19 scanned into the system.

20 JUDGE MORAN: Okay.

21 MR. TOWNSLEY: Does that answer your question?

22 JUDGE MORAN: Thank you, sir.

1 So you are supplying hard copies?

2 MR. TOWNSLEY: Yes.

3 JUDGE MORAN: Great.

4 And you have another witness?

5 MR. TOWNSLEY: Yes, your Honor. I also will be
6 supplying hard copies of the testimony of Sherry
7 Lichtenberg, L-i-c-h-t-e-n-b-e-r-g.

8 She had prefiled both direct and rebuttal
9 testimony.

10 I have marked Ms. Lichtenberg's direct
11 testimony as WorldCom Exhibit 3.0. Attached to that
12 testimony are two public schedules which are
13 identified as Schedule SL-1 and Schedule SL-2.

14 I have marked as WorldCom Exhibit 3.1 the
15 rebuttal testimony of Ms. Lichtenberg. That
16 testimony has three schedules attached to it
17 identified as Schedule SL-3, SL-4, SL-5.

18 Those are all public schedules attached
19 to her testimony, and they are all a part of the
20 WorldCom Exhibit 3.1.

21 I've also marked as WorldCom Exhibit 3.2
22 the affidavit of Shirley Lichtenberg and, your

1 Honor, I would move for the admission of WorldCom
2 Exhibits 3.0, 3.1, 3.2 at this time.

3 JUDGE MORAN: Okay. Are there any objections?

4 Hearing none, WorldCom Exhibits 3.0,
5 which includes Schedules SL-1 and SL-2, WorldCom
6 Exhibit 3.1, which includes Schedules SL-3 -- SL-3,
7 SL-4 and SL-5, and WorldCom Exhibit 3.2, which is
8 the witness's affidavit are all admitted into the
9 record.

10 (Whereupon, WorldCom
11 Exhibit Nos. 3.0, 3.1 and 3.2 were
12 admitted into evidence as
13 of this date.)

14 JUDGE MORAN: And Mr. Townsley has hard copies
15 for each of us.

16 MR. TOWNSLEY: Yes, I do. And I would just point
17 out for the record there are two very minor
18 corrections that were made to Ms. Lichtenberg's
19 rebuttal testimony, that they described in her
20 affidavit.

21 I have run them by Ameritech, and they
22 didn't appear to have a problem with it so...

1 JUDGE MORAN: Okay. Thank you.

2 Next witness?

3 MR. TOWNSLEY: The next witness that we are
4 entering testimony via affidavit for is Edward J.
5 Caputo.

6 Mr. Caputo filed both direct and rebuttal
7 testimony.

8 I have marked as WorldCom Exhibit 5.0 the
9 direct testimony of Mr. Edward J. Caputo.

10 There is a proprietary attachment to
11 Mr. Caputo's direct testimony which I have marked as
12 WorldCom Exhibit 5.1-C for confidential, and I have
13 marked the rebuttal testimony of Mr. Edward J.
14 Caputo as WorldCom Exhibit 5.2 and the affidavit of
15 Mr. Edward J. Caputo as WorldCom Exhibit 5.3.

16 And, your Honor, at this time I would
17 move for the admission of WorldCom's Exhibit 5.0,
18 5.1-C, 5.2 and 5.3.

19 JUDGE MORAN: Okay. Are there any objections?

20 Hearing none, WorldCom exhibit 5.0,
21 WorldCom Exhibit 5.1-C, which is the proprietary
22 exhibit, WorldCom Exhibit 5.2 and the affidavit,

1 WorldCom Exhibit 5.3 are all admitted.

2 (Whereupon, WorldCom

3 Exhibit Nos. 5.0, 5.1-C, 5.2 and

4 5.3 were admitted into evidence as

5 of this date.)

6 JUDGE MORAN: Now, Mr. Townsley, there was a

7 Mr. Caputo testifying here last week.

8 MR. TOWNSLEY: Yes, your Honor.

9 JUDGE MORAN: There is -- as I recall his

10 original testimony whereas, when he was testifying,

11 he was testifying by adopting someone else's.

12 MR. TOWNSLEY: Yes.

13 JUDGE MORAN: Am I right?

14 MR. TOWNSLEY: When he was last here, he was

15 adopting the testimony of Michael Lemcule

16 (phonetic), and he was here and was cross-examined.

17 The testimony that I have just entered

18 via affidavit -- it's separate testimony addressing

19 separate issues.

20 JUDGE MORAN: And it's numbered differently?

21 MR. TOWNSLEY: Yes.

22 JUDGE MORAN: That's just what I want to make

1 sure. Okay. Thank you.

2 MR. TOWNSLEY: Finally, WorldCom would be
3 offering the affidavit testimony of Joan Campion,
4 6.0, the direct testimony of Ms. Campion,
5 C-a-m-p-i-o-n. And I have marked as WorldCom
6 Exhibit 6.1 the rebuttal testimony of Joan Campion,
7 and I have marked as 6.2 the affidavit of Joan
8 Campion.

9 And, your Honor, at this time, I was move
10 for admission of WorldCom Exhibits 6.0, 6.1, 6.2
11 into the record.

12 JUDGE MORAN: Are there any objections?

13 Hearing none, WorldCom Exhibits 6.0, 6.1
14 and the affidavit of Joan Campion, WorldCom Exhibit
15 6.2 are all admitted.

16 (Whereupon, WorldCom
17 Exhibit Nos. 6.0, 6.1 and 6.2 were
18 admitted into evidence as
19 of this date.)

20 MR. TOWNSLEY: The only other thing I would note,
21 your Honor, is that I had provided to you a full
22 copy of what was Ms. Lichtenberg's schedule -- I

1 believe it was SL-4.

2 You had noted on the record earlier that
3 it was an incomplete copy of a Michigan filing. I
4 provided a complete copy to you. I do have complete
5 copies for anybody who's interested. It's a fairly
6 lengthy schedule, but I do have additional copies
7 here for anybody who's interested.

8 JUDGE MORAN: Okay. Quite commendable.

9 And that's it, Mr. Townsley? Nothing
10 else?

11 MR. TOWNSLEY: That is it, your Honor.

12 JUDGE MORAN: Okay. Anybody else -- Ameritech --
13 let me go off the record for a minute.

14 (Discussion off the record.)

15 JUDGE MORAN: We are going to take Ameritech, and
16 then we've received in the mail -- and I think the
17 court reporters might have received it also --
18 affidavits and the testimony of RCN and Telecom.

19 We know they haven't been able to come
20 out here. So I am going to be -- I am going to have
21 them stamped and marked and put them in the record.
22 Okay? And that's affidavits of Jack Piticavong,

1 Rahul Dedhiya and Linda Valentine.

2 JUDGE MORAN: Counsel you want to put in
3 Mr. Habib?

4 MR. ORTLIEB: Thank you, your Honor. Yes.
5 Ameritech Illinois moves for the admission of
6 Exhibits 1.0, 1.1 and 1.2. They are respectively
7 the rebuttal testimony of John Habib, the
8 surrebuttal testimony of John Habib and the
9 attestation of John Habib, and I would note for the
10 record that 13.0, 13.1 had been filed on e-docket.
11 It was sort of virtually attached to 13.1 as the
12 affidavit of Mr. Habib. It was filed back in
13 November also on e-docket.

14 So my motion for admission of 13.1
15 includes that affidavit that is filed on e-docket
16 from November, and 13.2 is hard copy of the
17 attestation.

18 JUDGE MORAN: Okay. Let me get this straight.
19 Exhibit 13.0 is the rebuttal testimony of Mr. Habib
20 as it appears on e-docket already?

21 MR. ORTLIEB: That's correct.

22 JUDGE MORAN: Okay. 13.1 is the surrebuttal

1 testimony of Mr. Habib, but it makes reference to
2 the November affidavit?

3 MR. ORTLIEB: That's correct.

4 JUDGE MORAN: And, therefore, the November
5 affidavit comes in as an attachment thereto?

6 MR. ORTLIEB: That's correct.

7 JUDGE MORAN: Okay. So perhaps the smart thing
8 here would be to make the November affidavit
9 Attachment A to Exhibit 1.1?

10 MR. ORTLIEB: It is not labeled that way on
11 e-docket, but I brought hard copies. I can label
12 them by hand and put them in hard copy today.

13 JUDGE MORAN: Vickie?

14 VICKIE: I am sorry?

15 JUDGE MORAN: I know we can do it by hard copy,
16 make the November -- see the problem with those
17 November affidavits is, because they haven't been
18 marked as anything -- right?

19 MR. ORTLIEB: Right. That's correct.

20 JUDGE MORAN: Now we are making the November
21 affidavit that appears on e-docket an attachment to
22 another piece of testimony.

1 Do we have to do that by hard copy?

2 VICKIE: I would think that would clarify things

3 better.

4 MS. SUNDERLAND: Okie-dokie.

5 JUDGE MORAN: Uh-huh.

6 MS. SUNDERLAND: I didn't specifically mention it

7 in connection with Ms. Heritage or Ms. Kagan, but I

8 had also had references in their -- the first

9 time -- the first piece of testimony they filed they

10 had a reference to a schedule number which was the

11 November affidavit. I didn't bring hard copies.

12 Somehow I thought -- what --

13 MR. ORTLIEB: We thought we could associate the

14 two.

15 JUDGE MORAN: The problem is you can associate

16 the two, but unless they are entered into evidence,

17 they are just there, those affidavits.

18 MR. McBRIDE: They are entered. They are

19 schedules to her testimony.

20 MR. ORTLIEB: This is the very debate we had two

21 weeks ago during the hearing which is whether --

22 MS. SUNDERLAND: I thought we had decided that

1 they were just going -- order the one proposal.

2 JUDGE MORAN: You could do that, but you have to
3 call them an attachment.

4 MR. ORTLIEB: We've done that.

5 MS. SUNDERLAND: We've called them an attachment,
6 but I don't think they've been relabeled as an
7 attachment on e-docket.

8 For example, in Ms. Kagan's direct
9 testimony, she would have said that my affidavit is
10 attached to this, my schedule DK whatever.

11 JUDGE MORAN: Right.

12 MS. SUNDERLAND: And so it was kind of virtually
13 attached, but the affidavit itself is still sitting
14 there in the November 20th filing.

15 JUDGE MORAN: See, that's the problem.

16 MS. SUNDERLAND: I thought we had decided that
17 was okay.

18 JUDGE MORAN: Yeah. We can reshef it as I am
19 trying to conceptualize what we have to do here.

20 We can reshef it. But I am not sure
21 that we don't have to label it as opposed to just
22 having it by reference.

1 That's what I am not sure of.

2 MS. SUNDERLAND: Well, we could refile the
3 affidavits with the scheduling label on them in
4 e-docket if we need to do that.

5 JUDGE MORAN: Yeah, because somehow it's got to
6 be --

7 VICKIE: Shown.

8 MS. SUNDERLAND: I think we are now talking
9 probably about everybody.

10 JUDGE MORAN: Right. Why don't we talk about
11 this off the record and try and come to some
12 agreement.

13 I want to get this into the record.

14 AI Exhibit 1.0 which is the rebuttal
15 testimony of Mr. Habib, 1.1 which is the surrebuttal
16 and -- is to include -- and rebuttal will include
17 the November affidavit as part of that exhibit, and
18 Ameritech Illinois Exhibit 13.2 which is the
19 attestation verification or affidavit of the witness
20 are all admitted into the record.

21

22

1 (Whereupon, Ameritech
2 Exhibit Nos. 1.0, 1.1 and 13.2
3 admitted into evidence as
4 of this date.)

5 JUDGE MORAN: I think the parties are all clear
6 that these affidavits have come in as attachments or
7 through incorporation by reference or some fashion
8 for most of these witnesses.

9 What I need to make sure is that the
10 integrity of the clerk's system is there and
11 available to put them in a way that Ameritech wants
12 them in and the way we understand them to be part of
13 the record.

14 So maybe we'll talk about that just to
15 make sure that we are all doing it right.

16 Are there any other witnesses that have
17 to come in?

18 (No response.)

19 JUDGE MORAN: Okay. And we've got the
20 stipulations done.

21 We've worked out a schedule for the data
22 responses for anybody that has made these

1 on-the-record data requests.

2 If somebody wants that to be made part of
3 the record, they will do a -- some sort of formal
4 filing asking, and Ameritech has already stated that
5 it will not be objecting to that, but still it would
6 be good for the formal statement to include the fact
7 that Ameritech -- that there has been a formal call
8 with Ameritech and there has been no objection.

9 And I guess that's it.

10 MR. ORTLIEB: I am sorry. I am sorry. There was
11 one evidentiary ruling during the cross-examination.

12 JUDGE MORAN: It was one of Ameritech's. What
13 was it 13 or --

14 MR. ORTLIEB: It was 12. That amendment that
15 talked about the prices in the communication
16 agreement.

17 JUDGE MORAN: I will let that
18 cross-examination -- cross-examination exhibit in.

19 MR. ORTLIEB: Thank you, your Honor.

20 JUDGE MORAN: It will be admitted.

21 (Whereupon, Ameritech

22 Cross Exhibit No. 12 was

1 admitted into evidence as
2 of this date.)

3 MS. MORAN: I know I still have a ruling to make
4 on Staff's motion. Staff has a motion. I am not
5 prepared to make that ruling, and I think that's the
6 only thing that's outstanding.

7 MR. NIXON: Your Honor, as indicated I need to
8 address the RCN testimony. I don't think that's in
9 the record yet.

10 JUDGE MORAN: Okay. For RCN we've received
11 copies of the direct testimony of Jack Piticavong,
12 marked as Exhibit 1.0, Attachment A to his direct
13 testimony is a glossary of terms and legal authority
14 marked as RCN Exhibit 1.1. The rebuttal testimony
15 is marked RCN Exhibit 1.2, and RCN Exhibit 1.3 is a
16 glossary of terms.

17 We've also received here what is marked
18 as -- I am marking as RCN Exhibit 1.4 which is the
19 affidavit. The affidavit states that RCN Exhibit
20 1.0 is a copy of the direct testimony caused to be
21 filed in this proceeding on e-docket, consists of 14
22 pages of questions and answers.

1 The affidavit further states that RCN 1.1
2 is a glossary of the terms and legal authority filed
3 on e-docket April 29th, 2002, consisting of two
4 pages.

5 The affidavit furthers states that RCN
6 Exhibit 1.2 is a copy of the rebuttal testimony
7 filed on e-docket on May 20th, 2002, consisting of
8 ten pages of questions and answers and, finally,
9 that RCN Exhibit 1.3 is the glossary of terms and
10 legal authority filed in this proceeding on e-docket
11 on May 20th consisting of one page.

12 What I have is hard copies of these
13 exhibits, however, the affidavit has not been signed
14 and sworn to. I'm assuming that it appears on
15 e-docket, however, in that final form.

16 I would verify that. If not, I will have
17 RCN submit that as a late-filed exhibit for the
18 moment.

19 Are there any objections?

20 MR. ORTLIEB: Your Honor, just one observation.
21 Ameritech Illinois did not file or offer into
22 evidence our glossary of terms. We just distributed

1 it. It's our assumption that doesn't make a
2 difference as far as this proceeding goes whether we
3 admit it into evidence or just have it distributed.

4 JUDGE MORAN: The glossary of terms, I think, is
5 a convenience. Certainly anybody that's going to be
6 using a definition off that would probably include
7 that definition in their briefs, if it is pertinent
8 to any particular issue, but right now it's not
9 really authored by anybody. So it isn't in a sense
10 evidence.

11 I certainly don't object to RCN doing it.

12 I mean.

13 MR. ORTLIEB: With that understanding.

14 JUDGE MORAN: Okay. All right. Then fine. Then
15 RCN Exhibit 1.0, 1.1, 1.2, 1.3 and 1.4 which is the
16 affidavit, and we will make sure that it is properly
17 attested to, are admitted into the record.

18 (Whereupon, RCN Exhibit Nos. 1.0,
19 1.1, 1.2 1.3 and 1.4 were marked
20 for identification and
21 admitted into evidence as
22 of this date.)

1 JUDGE MORAN: We also have here a proposed --
2 actually an actual affidavit of Linda Valentine
3 which has been properly attested to. But it has not
4 been marked as an exhibit.

5 The affidavit indicates that RCN Exhibit
6 3.0A is a public version of the direct testimony
7 filed in this proceeding on March 20th, 2002,
8 consists of eight pages of questions and answers.
9 Also there is RCN Exhibit 3.0B, a copy of the
10 proprietary version of the direct testimony, and
11 there is RCN Exhibit 3.0 -- no. I think I already
12 said that. The direct testimony is 3.0A and the
13 public version is 3.0B in the proprietary version,
14 and there is also an RCN Exhibit 3.1 which is a copy
15 of the glossary of terms and legal authority that
16 RCN filed on e-docket on April 29th consisting of
17 one page.

18 We will mark the affidavit 3 -- RCN
19 Exhibit 3.2.

20 (Whereupon, RCN
21 Exhibit No. 3.2 was
22 marked for identification

1 as of this date.)

2 JUDGE MORAN: With that, are there any objections
3 to RCN Exhibit 3.0A, 3.0B, 3.1 or 3.2?

4 Hearing none, they are admitted.

5 (Whereupon, RCN
6 Exhibit Nos. 3.0A, 3.0B, 3.1 and
7 3.2 were admitted into evidence as
8 of this date.)

9 JUDGE MORAN: Then we have an affidavit properly
10 attached to by Rahul Dedhiya which refers to RCN
11 Exhibit 2.0A, the public version of the direct
12 testimony filed on e-docket on March 20th consisting
13 of four pages, also RCN Exhibit 2.0B, which is the
14 proprietary version of this same direct testimony.
15 You have RCN Exhibit 2.1 being a copy of the
16 glossary of terms and legal authority, and RCN
17 Exhibit 2.2 which is a public version of the
18 rebuttal testimony filed on e-docket on May 20th,
19 2002 consisting of 13 pages of questions and
20 answers, and there are four -- in the affidavit it
21 specifies that there are four minor revisions to RCN
22 Exhibit 2.2.

1 I don't know if parties are familiar with
2 these revisions. If they -- you know, if these were
3 sent to parties on e-mail, but I believe they are
4 pretty minor.

5 MR. ORTLIEB: Your Honor, I recall --

6 JUDGE MORAN: Parties can check.

7 MR. ORTLIEB: I recall seeing an e-mail with
8 those changes.

9 JUDGE MORAN: Okay. Great.

10 The witness also indicates that attached
11 to RCN Exhibits 2.3, 2.3 -- hold on. I guess they
12 are attached to his rebuttal testimony -- are
13 Exhibits 2.3, 2.4, 2.5, 2.6 and 2.7, a copy of
14 proprietary figures 1, 2, 3, 4 and 5 that were filed
15 with the rebuttal testimony.

16 They are proprietary exhibits here.

17 They all appear -- all these proprietary
18 exhibits appear in the rebuttal testimony which is
19 RCN Exhibit 2.2, but they appear to be marked as
20 Exhibit 2.3.

21 Are they all there like that? Okay. So
22 are there any objections to the admission of RCN

1 Exhibit 2.0A, 2.1, 2.2, which includes proprietary
2 schedules and 2.0B which is the proprietary version
3 of the direct testimony?

4 Hearing no objection, these are all
5 admitted.

6 (Whereupon, RCN
7 Exhibit Nos. 2.0A, 2.0B, 2.1 and
8 2.2 were admitted into evidence as
9 of this date.)

10 JUDGE MORAN: Okay. Do we need to discuss
11 anything further?

12 Yes, Mr. Townsley.

13 MR. TOWNSLEY: Your Honor, going back through my
14 notes, it appears as though you may have reserved
15 ruling on the admission of WorldCom Alexander --
16 what I have marked as Cross Exhibit 24 which was a
17 several page from the McLeodUSA Telecommunications
18 Services, Inc.,/Ameritech Illinois Interconnection
19 Agreement.

20 I know counsel for Ameritech has said
21 they wanted to go back and look at the agreement to
22 determine whether they wanted to add other pages

1 from the interconnection agreement.

2 JUDGE MORAN: Oh, yes.

3 MR. TOWNSLEY: You had reserved ruling on that,
4 and in going back through my notes, I also recognize
5 that there was another exhibit marked as Cross
6 Exhibit No. 24 which was in my notes as Veritech's
7 Alexander Cross Exhibit 24. So at this time I guess
8 I would ask that we mark WorldCom Alexander Cross
9 Exhibit 24 as 24A maybe, make the record clear, and
10 also I would move once again for admission of
11 WorldCom Alexander Cross Exhibit 24A if you would
12 allow me to reidentify that.

13 JUDGE MORAN: So you are saying that we've marked
14 two different cross exhibits as 24?

15 MR. TOWNSLEY: Yes.

16 JUDGE MORAN: Okay. So the first one will be A
17 and the second one will be B, and the first one is
18 the one that there was a question as to completeness
19 of the exhibit?

20 MR. TOWNSLEY: Actually you did --

21 JUDGE MORAN: Did I rule that it was admitted
22 but --

1 MR. TOWNSLEY: I think you just said you would
2 reserve ruling on it.

3 That's what I have in my notes.

4 MS. SUNDERLAND: I think he's right, and as I sit
5 here, I'm not sure whether we've made a decision
6 whether we need more pages associated with that or
7 not.

8 If you would like, you could go ahead and
9 admit that one page and if we conclude we want some
10 additional pages, we can asked for a late-filed
11 exhibit to be more complete, or we could address it
12 with the next witness.

13 MR. TOWNSLEY: Okay. In fact, one of my
14 outstanding data requests goes to the terms and
15 conditions.

16 MS. SUNDERLAND: Exactly so that's why we are
17 still looking at that question.

18 JUDGE MORAN: Then it will be admitted subject to
19 a request for completeness.

20 MR. TOWNSLEY: I just want to make sure I am
21 clear on what --

22 JUDGE MORAN: And that's 24A.

1 MR. TOWNSLEY: That would be 24A and I believe
2 Veritech Alexander Cross Exhibit is -- would just
3 remain 24?

4 JUDGE MORAN: Right.

5 (Whereupon, Worldcom
6 Exhibit No. 24A was
7 admitted into evidence as
8 of this date.)

9 JUDGE MORAN: Okay. I am going to spend sometime
10 going through this record just to make sure that we
11 have everything. And it's great because we'll meet
12 next week so there will be an opportunity to clear
13 anything up if it isn't complete, but that certainly
14 is our task and not the parties task.

15 And so everybody can just start working
16 on their briefs.

17 And I believe that we've had several
18 discussions both on and off the record about the
19 briefing.

20 It is now agreed that the initial briefs
21 will be due July 24th and the reply briefs will be
22 due August 21st.

1 I've also circulated a proposed briefing
2 framework for Phase 1-A. I would like parties to,
3 you know, try and keep within that framework if at
4 all possible.

5 It will make, I think, the briefs better
6 and my work a little easier.

7 And is there anything else we need to
8 discuss?

9 MR. FOSCO: Your Honor, I'd like to indicate for
10 the record that you indicated parties did not need
11 to submit a joint issues outline as a result of the
12 format we are following for the brief.

13 JUDGE MORAN: That's correct, but parties are
14 certainly free to meet if they choose. And let's
15 see what else.

16 Yes.

17 MR. BRADY: If I may, I just want to put on the
18 record on the off-the-record conversation we had
19 regarding, I guess, agreement by the parties in
20 relation to the remedy plan and what's going to be
21 addressed and --

22 JUDGE MORAN: Please do.

1 MR. BRADY: In this phase that essentially those
2 issues related to how Mr. Ehr referred to the
3 performance measurement plan and rebuttal -- well,
4 backing up that all of Mr. Ehr's testimony has
5 been -- has not been admitted into the record and,
6 therefore, all of the issues that relate to what he
7 has referred to as a performance measurement and a
8 performance remedy plan have then as a result of
9 your ruling on June 13th will be addressed in the
10 subsequent phase?

11 JUDGE MORAN: Phase 1B. I think that's well
12 understood by all the parties.

13 Okay. With that, we will -- a perfect
14 segue, Mr. Brady.

15 We will continue this matter until
16 Wednesday, July 10th, at 2:00 p.m. at which time we
17 will be discussing a schedule for Phase 1B.

18 (Whereupon, the hearing in the
19 above matter was continued to
20 July 10, 2002, at 2:00 p.m.)

21
22